

488-2022-00686 1

Brown & Associates

Attorneys & Counselors at Law

July 27, 2022

VIA FACSIMILE AND CERTIFIED MAIL

Thomas Colclough, Director
Melinda Dugas, Regional Attorney
U.S. Equal Employment Opportunity Commission
Charlotte District Office
129 West Trade Street, Suite 400
Charlotte, NC 28202
Phone 1-800-669-4000
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Re: Formal Charge of Religious Discrimination against NEUROCRINE
BIOSCIENCE (Potential Employer) - EEOC inquiry number as EEOC
Case 488-2002-00686.

INTRODUCTION

We represent Chad Hawley in the above-referenced matter.

This claim against NEUROCRINE BIOSCIENCE (Potential Employer) (hereinafter "Neurocrine") is brought before the EEOC by Chad L. Hawley (Employee), a citizen and resident of Mecklenburg County, North Carolina. As will be seen, Mr. Hawley was offered a job by Neurocrine but subsequently had the offer pulled because of his vaccination status, for which he has a religious exemption. The employer's decision to withdraw the offer, without even offering reasonable accommodations for Mr. Hawley's religious beliefs, constitutes illegal religious discrimination in the employment process.

By introduction, on or about May 6, 2022, Mr. Hawley opened a file online with the EEOC, via the EEOC's online portal to establish his claim in the EEOC'S Charlotte, North Carolina office.

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July 27, 2022
Page 2

The EEOC's Online portal system established an inquiry number as EEOC Case **488-2022-00686**.

A copy of the EEOC's portal and "Inquiry Information" sheet is attached hereto as **EXHIBIT A**

However, when attempting to establish an initial telephone interview with an EEOC Representative, the automated computer system informed Mr. Hawley that the first available interview could be up to 4 months from now and that Mr. Hawley should keep checking the system for availability.

With respect, in a situation where religious discrimination is occurring against Mr. Hawley every day, plus with certain statutory statutes of limitations already potentially at play in these types of cases, Mr. Hawley simply cannot wait months on end, before someone from the EEOC can chat with him.

Moreover, because of the cumbersomeness of the EEOC portal, Mr. Hawley could not even navigate to a link that would allow him to convey to the EEOC that he is represented by counsel, or to identify the undersigned as his counsel of record. And therefore, through the advice of counsel, and because of the inordinate delay and even getting someone to speak with him in a timely manner, we are filing this complaint, immediately, herewith, and directly with the EEOC's Charlotte Office.

We are requesting that the EEOC immediately investigate this matter, in an immediate, thorough, and timely manner.

Alternatively, if the EEOC cannot investigate this matter promptly, then we respectfully request the issuance of a right-to-sue letter against the Employer so that we may pursue the matter in federal court immediately.

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July 27, 2022
Page 3

BACKGROUND

Overall, Chad Hawley has 25 years of professional experience, largely in the pharmaceutical industry. Most of his responsibilities included sales, marketing, management, and training in the healthcare industry. Mr. Hawley has held numerous leadership positions, including the National Sales Trainer for one of the largest pharmaceutical companies in the world, and has won numerous top sales awards in the industry.

Mr. Hawley had been with Otsuka since July 2012, where he formerly served as a Senior Manager of the sales team, having been promoted to that position in October of 2021. His performance reviews indicate he had met or exceeded expectations his entire time with the company. Mr. Hawley was a senior member of the sales force at Otsuka.

He also achieved a Master's Degree in Business Administration at Wayne State University and a Bachelor of Arts Degree at Western Michigan University.

He recently left Otsuka, in the spring of 2022, and began negotiating for a position with Neurocrine.

**Employer-Mandated COVID Vaccination Policy
Violates Employees' Religious Rights**

The beginning of the problems about to be laid out herein, started when the employer, like some other large private employers, appeared to jump onto and become obsessively fixated on the national vaccination mandate bandwagon, whereby employers would insist that innocent employees submit to being vaccinated with drugs under an "Emergency Use Authorization" by the FDA, or risk losing their jobs. All this was done, ostensibly to combat COVID-19.

The Biden Administration announced the implementation of a vaccination requirement for employers of over 100 employees, through the Occupational Safety and Health Administration (OSHA). That Executive Order, of course, has since been stricken by the United States Supreme Court, as having been implemented without legal authority from the Administration.

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July 27, 2022
Page 4

BACKGROUND**THE RELEVANT PERSONS INVOLVED**

To help the Commission understand the relevant persons involved in the complaint, the relevant names of persons used throughout the complaint including a list of relevant persons, with their job categories, as best as we can determine, are presented immediately below:

Jill Leary, Claimant's former manager with a previous employer, and a current Manager at Neurocrine.

Michealene Greenly, Hiring Manager, at NeuroCrine.

Erin (last name unknown), Manager at NeuroCrine.

Todd (last name unknown), Director at NeuroCrine

Mercedes (last name unknown), HR official at NeuroCrine.

Darin Lippoldt, Chief Legal Officer at NeuroCrine

Sharon Hartmann, VP of Human Resources, at NeuroCrine.

Wendy Hawley, Wife of Claimant and witness to certain events.

The Chronology of Events

On April 4, 2020, Claimant was contacted by his former manager, Jill Leary, who sent a text message asking about his interest in their opening working at Neurocrine

The Claimant had interviewed with Micaelene Greenly, Neurocrine's Hiring Manager, and Ms. Leary approximately three years ago and finished as a finalist for a position for which he was in consideration.

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Page 5

When Ms. Leary contacted Claimant on April 4, 2022, he informed her that he was still interested in the position for which he had previously interviewed.

Ms. Greenly called Claimant the next morning, and she rushed to Charlotte and interviewed Claimant on April 5, 2022. The interview went very well. At the end of the interview, Ms. Greenly told Claimant, "I don't normally do this but I loved you three years ago and I love you more now. You would be a perfect fit for his team and I don't need to interview anyone else. The company requires at least three interviews in order to hire you," or words to that effect. The Claimant told her he was seriously considering another company and that he expected a final interview on Friday, April 8, 2022. She asked, "Is there a chance I could convince you to join us instead of them?" The Claimant told her he was willing to interview if she thought he was worth it. As a result, she expedited the interview process and set up three more interviews.

The Claimant next interviewed with "Erin" on April 6, 2022. At the end of the interview, Erin told Claimant, "I can definitely see why Michaelene (referring to Michaelene Greenly) wants you so bad. You would be perfect for her team," or words to that effect.

On Wednesday evening, April 6, 2022, Ms. Leary texted the Claimant and asked him if he was vaccinated. The Claimant told her that he was not vaccinated, but that he had a religious exemption.

Claimant next interviewed with Todd (last name unknown), on April 7, 2022. Upon information and belief, "Todd" is a Director at Neurocrine.

At the time of the April 7, 2022 interview Todd said, "In all my years, I have not seen a manager so interested in a candidate and move so quickly to hire as I have with Michaelene and you," or words to that effect. Todd continued interviewing the Claimant even though he knew Claimant was not vaccinated.

Claimant was instructed by HR to contact Darin Lippoldt directly with his exemption request. On April 8, 2022, Claimant submitted both his medical and religious exemption via email to Darin Lippoldt. The Claimant sent a follow-up email to Darin Lippoldt on April 11, 2022, to see if Mr. Lippoldt received the Claimant's email.

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Page 6

On April 13, 2022, the Claimant received an email (he copied Sharon Hartmann) from Darin Lippoldt asking him to update his Medical Exemption letter from his physician. The Claimant responded by telling him that he (Claimant) could do that, but it would take longer to get it, and asked Mr. Lippoldt if he had denied his (Claimant's) religious exemption. Claimant went on to explain to Mr. Lippoldt that if his religious exemption was approved, it would save a lot of time, and Claimant wouldn't have to bother his doctor again, or words to that effect.

Mr. Lippoldt did not respond to Claimant's question about the religious exemption.

The Claimant went back to his doctors and submitted the updated medical exemption to Darin Lippoldt and Sharon Hartmann on April 28, 2022. The Claimant never received a response from them. However, they told the hiring manager to start interviewing more candidates. Up until this time, they had not interviewed any other candidates because Claimant was the one Ms. Greenly wanted to hire.

The Neurocrine HR Department notified Claimant on May 6, 2022, via voicemail from someone named "Mercadees," (last name unknown), who Claimant had never spoken to, that Claimant was not selected for the position.

The Claimant spoke to Ms. Greenly that evening, and she expressed disappointment in how Claimant was treated. She agreed Claimant did not get hired because of his vaccine status. The Claimant spoke with Ms. Leary the following week, and Ms. Leary expressed disappointment in how Claimant was treated too.

The Claimant then sent an email to Darin Lippoldt and Sharon Hartman notifying them that Claimant retained counsel and contacted the EEOC for religious discrimination based upon the vaccination issue and Neurocrine's refusal to honor or even acknowledge his religious exemption.

Throughout the process, the Claimant received reinforcing text messages from Ms. Leary and Ms. Greenly and also had numerous phone calls with them reinforcing their desire to hire him.

The Claimant was also notified, by Ms. Greenly, that his case went to the Chief Operating Officer of the company to try and hire him. Wendy Hawley, Claimant's

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Page 7

wife, was a witness to them telling the Claimant he did not get the job and it's only because of the vaccine.

**Neurocrine's Actions in the Hiring Process
Constitutes Illegal Religious Discrimination under Title 7 of the Civil
Rights Act of 1964**

Neurocrine's actions, in first, setting out to hire Claimant, but then refusing to hire him over the Covid 19 "vaccine," even though Claimant has clearly expressed a religious objection to the vax, and even after Claimant received a religious exemption to it, constitutes religious discrimination in the hiring process against Mr. Hawley, in violation of Title 7 of the Civil Rights Act of 1964, for which the employer should be disciplined.

Mr. Hawley, the aggrieved employment applicant, in this case, brings these charges through counsel and, as evidenced by the verification statement attesting to the truth of these allegations, hereby requests an immediate and expedient investigation by the EEOC against the employer on these charges.

In the alternative, if the EEOC does not have time, based upon a continued and current COVID backlog or for other reasons, to immediately investigate these matters, then we request an immediate right-to-sue letter so that Mr. Hawley can pursue his grievances in Federal Court.

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Page 8

Respectfully submitted this 27th day of July, in the Year of Our Lord, 2022.



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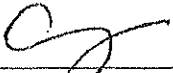
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Page 9

Verification

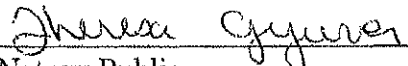
Chad L. Hawley, being first duly sworn, does depose and say that he is the Complainant in the above-entitled action; that he has read the foregoing document and knows the contents thereof; that the same is true of his own knowledge, except to those matters and things stated upon information and belief, and as to those he believes them to be true.



Chad L. Hawley

This the 4th day of August, 2022.

Sworn to and subscribed before me this the
4th day of August, 2022.



Notary Public

My Commission Expires: 9/30/2023

Theresa Gyura NOTARY PUBLIC Cabarrus County North Carolina My Commission Expires September 30, 2023

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FEB 16 2023

US DISTRICT COURT
WESTERN DISTRICT OF NC

I am requesting electronic notification
via email.

Thank you,

Chad Hawley

chadLhawley@gmail.com

803. 372-8561

2/16/2023